

**MINUTES OF THE
SOUTH OGDEN CITY COUNCIL MEETING
Tuesday, March 3, 2015 – 6:00 p.m.
Council Chambers, City Hall**

COUNCIL MEMBERS PRESENT

Mayor James F. Minster, Council Members Sallee Orr, Wayne Smith, Brent Strate, Russ Porter and Bryan Benard

STAFF MEMBERS PRESENT

City Manager Matt Dixon, City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Chief of Police Darin Parke, Fire Chief Cameron West, Special Events Coordinator Jill McCullough and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Jerry Cottrell, Jason Allen, Walt Bausman

I. OPENING CEREMONY

A. Call to Order

Mayor James F. Minster called the meeting to order at 6:04 pm and entertained a motion to convene.

Council Member Smith moved to convene as the South Ogden City Council, with a second from Council Member Porter. In a voice vote Council Members Strate, Orr, Porter, Smith and Benard all voted aye.

B. Prayer/Moment of Silence

The mayor led those present in a moment of silence.

C. Pledge of Allegiance

Council Member Porter directed everyone in the Pledge of Allegiance.

Mayor Minster then indicated it was time for public comments and invited anyone who wished to come forward. He asked that those speaking limit their comments to three minutes.

II. PUBLIC COMMENTS

There were no comments from the public.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

No scouts or students were present.

The mayor then said he would like to amend the agenda and make his report now instead of at the end of the meeting. He thanked everyone who had written emails and participated in the meetings. He lived in the neighborhood (of the monastery) and had many feelings about what was happening in the area. The mayor then read a letter to those present (see Attachment A). At the conclusion, Council Member Strate commented he had wanted to add a statement to the letter outlining the distinction between the CUP and reasonable accommodation, but the letter was wonderful and he appreciated the work that went into it.

IV. CONSENT AGENDA

A. Approval of February 10, 2015 Special Meeting Minutes

B. Approval of February Warrants Register

Mayor Minster read through the items on the consent agenda and asked if there were any questions or changes. There were no comments from the council, so the mayor called for a motion.

Council Member Benard moved to approve the consent agenda, followed by a second from Council Member Porter. There was no further discussion. The voice vote was unanimous in favor of the motion.

V. DISCUSSION / ACTION ITEMS

A. Discussion/Consideration of Resolution 15-09 – Approving a Betterment Agreement With UDOT for Harrison Boulevard/Highway 89 Intersection

City Manager Dixon informed the mayor that Jason Allen from PEC was planning on attending in order to answer questions the council may have, however Mr. Allen had not yet arrived. The mayor informed everyone he would move on to next item and return to this one when Mr. Allen arrived.

B. Discussion on 2015 Election

The mayor turned the time to City Recorder Leesa Kapetanov. Ms. Kapetanov referred the council to the information in their packets. The county had given pricing on three types of elections; staff was recommending the hybrid version. The hybrid version cost a little more, but she felt the increase in voter turnout was well worth the extra cost.

Council Member Orr indicated she also liked the hybrid version. Council Members Benard, Strate and Smith agreed. Ms. Kapetanov said an item would be on the next agenda to discuss campaign signs and when they could be placed in relation to the new timeline that ballots would be sent out.

Council Member Benard suggested a special voting newsletter could be created to explain the by-mail voting and present the candidates.

C. Discussion on Annual Easter Egg Hunt

Mayor Minster invited Special Events Coordinator Jill McCullough to come forward for this discussion. Ms. McCullough said she would like to change the way people think about the Annual Easter Egg Hunt. She would like to reduce the amount of candy and supplement it with things like toys and coupons for other activities. She would also like to add more activities to the event; the hunt itself was so short that it lacked interaction between the parents and children. She would also like to seek donations for sports equipment as prizes and put certificates in the eggs for the prizes.

The mayor agreed with adding more activities; he felt the hunt was over too fast. Council Member Orr wondered if the activities could be done with people as they stood in line to get their pictures taken with the Easter Bunny. The line was always very long. The council discussed different ways of conducting the activity. It was their consensus to not eliminate candy, but to reduce the amount. They also suggested having activities for all age categories.

Mr. Allen from PEC had arrived by this point in the meeting, so Mayor Minster returned to item V.A. on the agenda concerning a betterment agreement with UDOT for the Highway 89/Harrison Boulevard intersection.

Mr. Allen informed the Council this project had some unique components to it, including the collaboration with the city on the islands that would be created as well as the installation of the tunnel for the Weber Pathways Trail. The betterment agreement outlined the responsibilities of UDOT and the City concerning the upgraded landscaping and the construction of the underpass. He also pointed out the agreement included a cost for powder coating of the power and light poles in the project.

Mr. Allen then answered several questions from the Council. City Manager Dixon reminded the council the original sign proposed for the large island had been moved to another area. The restrictions placed on the size of the sign by UDOT as well as the increased cost for the sign due to federal regulations had made moving the sign a better option. Mr. Dixon also explained to the council UDOT's plan to plant grass along Highway 89 in certain areas. UDOT would then sign an agreement with the city for maintenance and upkeep of the areas; the city in turn would sign agreements with the land/business owners in those areas stating they would be responsible for the maintenance and upkeep. There was more discussion on the design and maintenance of the tunnel. Mr. Allen indicated he would make sure the upkeep of the south entrance to the tunnel was addressed as it was not in the South Ogden City but in unincorporated Weber County. He also informed the council about different aspects of the project including the landscaping of the island, coordinating of the signal lights, and the timeline for completion of the project. There was some discussion on the safety of the crosswalk in the dedicated right hand turn of the project and solutions to make it safer. Mr. Allen then informed the council the power lines that had originally appeared on poles above ground in the island would now be buried and no poles would be necessary. He then concluded his presentation.

The mayor called for a motion concerning Resolution 15-09.

Council Member Orr moved to adopt Resolution 15-09. The motion was seconded by Council Member Strate. After determining there was no further discussion, the mayor made a roll call vote:

Council Member Orr-	Yes
Council Member Strate-	Yes
Council Member Smith-	Yes
Council Member Benard-	Yes
Council Member Porter-	Yes

Resolution 15-09 was approved.

City Manager Dixon asked if the council would entertain another adjustment to the agenda; instead of going to item D they would now go to item VII and recess into an executive session. The mayor indicated that would be acceptable and called for a motion to do so.

Council Member Porter moved to recess City Council Meeting and convene into an executive session, followed by a second from Council Member Smith. Everyone present voted in favor of the motion.

The council moved to the adjoining conference room for the executive session at 7:16 pm.

The council returned from the executive session to the council chambers at 8:25 pm and took a five minute unscheduled break. At 8:31 pm the council reassembled in the council room. Mayor Minster called for a motion to adjourn the executive session and reconvene city council meeting.

Council Member Orr moved to adjourn the executive session and reconvene city council meeting. Council Member Strate seconded the motion. The vote was unanimous in favor of the motion.

The mayor then indicated they would return to item D on the agenda concerning the strategic plan. He turned the time to City Manager Dixon to lead the discussion.

D. Review/Discussion on Strategic Plan

Mr. Dixon explained to the council he had taken the issues discussed at the recent retreat and incorporated them into the strategic plan sent out in the packet. Due to the lateness of the meeting, he did not want to go into a lot of detail, but asked the council to review the plan and make sure he had included correctly the things they had wanted. Specific items he asked them to look at were goal 5.1, "Increase walking and bike paths"; he wanted to know what staff could specifically do for this goal. He also asked what specific projects the Council had in mind for goal 3.4, "Improving the transportation system through capital projects". The Council asked staff to add two items to the strategic plan: finding a way to allow the park restrooms to be open for soccer games and having an OCR report done by UDOT on the pedestrian crossing that would be completed with the Highway 89/Harrison Boulevard intersection. There was no more discussion on the strategic plan.

VI. REPORTS

A. Mayor – encouraged the Council to become familiar with their ipads and what they were capable of doing.

B. City Council Members

Council Member Benard – thanked Special Events Coordinator Jill McCullough for the great event the previous evening. He also thanked the snow plow crews and the excellent job they had done that morning.

Council Member Orr – had been contacted by someone from the junior high who had been concerned about the safety of the school crossing at Highway 89 and Glasmann. They had discussed some solutions, one of which was to install flashing pedestrian lights; the same should be done at the crossing of Sunset and Highway 89. They had also discussed installing sidewalks on both sides of Glasmann at the light. Ms. Orr then asked Chief Parke to look into licensing cats in the city. She then asked staff to look at the definitions of "institution" and "domicile". She concluded her report by reminding everyone of the SOBA meeting to take place the next day at noon.

Council Member Porter – had received complaints about an unsolicited newspaper being thrown on people’s driveways. He wondered if others were receiving it. Someone on the council mentioned they had received one for a while and then it had stopped.

Council Member Smith – apologized for missing the police banquet; he had been tied up with a work issue. He also thanked staff for taking care of 4030 Madison. He then asked staff to look into electronic type locking mechanisms for the park restrooms; installing them may be more cost effective than having employees going out on weekends to unlock and lock the restrooms.

Council Member Strate – said he had been contacted by the resident who had previously spoken to the council about allowing bees in the city. City Manager Dixon explained an ordinance about bees was on the list of things for the Planning Commission to consider, but in light of all the other changes slated for the Ordinance, it was quite far down on the priority list.

Mr. Strate then asked staff to prepare a report on the status of the parks and playground equipment.

He concluded by saying he had been contacted by concerned citizens in the Club Heights area and what would happen when the school was torn down.

Parks and Public Works Director Jon Andersen gave a short report on the issues involved in replacing some of the playground equipment in the parks. City Manager Dixon asked if the council would like an itemized breakdown of everything that needed to be done in the parks; they indicated they would. Council Member Strate said they may need to do a budget amendment to provide funds to improve the parks. He also indicated one light at the Meadows Park had not appeared to have been replaced with the other lights. He asked staff to look into it.

- C. **City Manager** – reported Jibe Media had been instructed to come up with some new ideas as well as tweak options #1 and #2. The new versions would be presented on March 17. The Council would also have the opportunity to look at the draft version of the form based code on the same night.

Mr. Dixon also said he was optimistic the transportation funding being considered by the legislature would be successful; it would be a great help to the city.

He next informed the council that as part of his professional credentialing, he was conducting a 360 degree performance evaluation. He was in the process of selecting an evaluation tool and then would be sending it out. He wanted to give everyone fair warning.

He then let the Council know he had directed Suzy Becker from Zion’s Bank to look at the economic impacts of the different widths that had been proposed for the 40th Street Project. The study would help the council decide what the best width would be.

Mr. Dixon then concluded by thanking everyone for their involvement in the retreat. He felt it was time well spent.

- D. **City Attorney Ken Bradshaw** – not present.

VII. RECESS CITY COUNCIL MEETING AND CONVENE INTO AN EXECUTIVE SESSION

- A. **Pursuant to UCA §52-4-205 1(c) to discuss pending or reasonably imminent litigation**
B. **Pursuant to UCA §52-4-205 1(d) to discuss the purchase, exchange, or lease of real property**

This item was moved to earlier in the meeting.

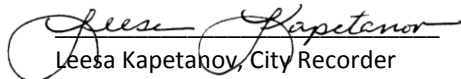
Mayor Minster then entertained a motion to adjourn City Council Meeting.

VIII. ADJOURN CITY COUNCIL MEETING

Council Member Porter moved to adjourn city council meeting. The motion was seconded by Council Member Orr. The vote was unanimous in favor of the motion.

The meeting adjourned at 9:02 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, March 3, 2015.


Leesa Kapetanov, City Recorder

Date Approved by the City Council April 7, 2015

Attachment A
Letter from Mayor and Council



South Ogden City

James F. Minster
Mayor

Matthew J. Dixon
City Manager

March 03, 2015

The past twelve months have been extremely stressful for all parties involved in the Monastery land use issue. Out of a desire to clearly communicate the city council's current position we have prepared the following statement.

As elected representatives of South Ogden City, we want to take this opportunity to express our sincere appreciation for the many emails and public comments we have received over the past 12 months. We recognize and appreciate the high level of engagement we have witnessed from each of you. We have read the many emails and listened intently to the many public comments to date. Even though we have not been able to respond to your emails and comments, be assured we have been listening and reading all that has been sent. From these comments it has been made abundantly clear to us that you love your neighborhood and are concerned about the future use of the Monastery property – feelings and concerns we also deeply share.

The city does not own or control the Monastery property nor has the city actively sought out any particular potential buyer for the property. Last year a conditional use permit for a 20 bed facility for persons with disabilities, plus 10 staff, was approved by the South Ogden City Planning Commission. This decision was appealed by the applicant as well as residents in the Monastery neighborhood. These appeals were heard by an appeal hearing officer who, after a review of the record, denied all appeals. Subsequently, the neighborhood (represented by Richard Reeve) filed suit in the District Court.

We as a council have determined that it is in the best interest of the city to allow this law suit to be heard and decided by the court. By so doing, many of the questions/concerns raised by Mr. Reeve and others will be answered. If it is determined by the court that the city erred in anyway in how it handled the granting of the conditional use permit application or the process, the city's intent will be to honor the court's decision by making the necessary code/process changes. The city's efforts throughout have been to not inappropriately take anyone's side in this (the current owners, the prospective owners or the neighborhood) but is attempting to comply with the law and balance the various interests. We will live by the court's decision.

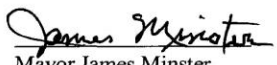
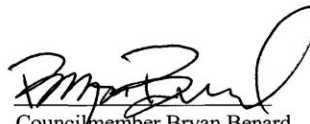
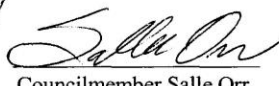
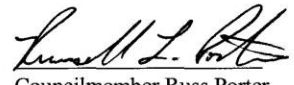
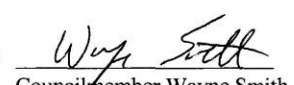
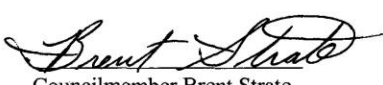
On matters pertaining to the city's recently adopted ordinance for facilities for persons with disabilities, the city council agrees with Mr. Reeve's suggestion to hold a public workshop. The intent of the workshop will be for the city to listen to varying options/ideas on what, if any, additional amendments might be made to further improve this section of the city code. The council hereby directs staff to work with Mr. Reeve to set a date for the workshop, clearly define the objectives of the workshop, set up the best format for the workshop, etc. This workshop will be open to the public and we invite your attendance.

3950 Adams Avenue, Ste 1 • South Ogden, Utah 84403
Office: 801-622-2700 • Fax: 801-622-2713

We believe it is important to make sure it is clearly understood that any changes to the city's ordinance for facilities for persons with disabilities will be prospective changes and will only affect future land use decisions and will not affect the application currently under appeal with the District Court.

We appreciate your involvement and your input as we continue working towards making decisions that will best serve this entire community into the future. If you have any questions or would like to further discuss any of these issues in greater detail, we invite you to contact us as your elected officials and/or members of city staff.

Sincerely,

 Mayor James Minster	 Councilmember Bryan Benard	 Councilmember Salle Orr
 Councilmember Russ Porter	 Councilmember Wayne Smith	 Councilmember Brent Strate

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